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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/700,301	10/31/2003	Catherine Kalke	83531-373	2701
22504 7590 04/04/2008 DAVIS WRIGHT TREMAINE, LLP/Seattle 1201 Third Avenue, Suite 2200 SEATTLE, WA 98101-3045				
EXAMINER				
TRAN, CONGVAN				
ART UNIT		PAPER NUMBER		
2617				
MAIL DATE		DELIVERY MODE		
04/04/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary****Application No.**

10/700,301

**Applicant(s)**

KALKE, CATHERINE

**Examiner**

CongVan Tran

**Art Unit**

2617

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 27 September 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) 4, 5, 20 and 28 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 6-19, 21-27, 29-34 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/06)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on Sept 27, 2007 has been entered.
2. Claims 4-5, 20 and 28 have been canceled.

### ***Claim Objections***

3. Claim 1 is objected to because of the following informalities: "a mobile wireless communication network" on line 9 should be changed to "the wireless communications network support system". Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-3, 19, 21-27, 29-30, and 34 are rejected under 35 U.S.C. 102(b) as being anticipated by Lipsit (5,956,636).

**Regarding claims 1, 19, 22, 23, 27 and 30, Lipsit discloses a method and system for automatic activation of a wireless device comprising:**

receiving an indication of one or more subscriber-desired services, wherein the subscriber-desired services are selected by the subscriber via an electronic user interface, wherein the electronic user interface comprises a user interface presented by mobile wireless device wherein the mobile wireless device initially has no non-emergency services provisioned on a mobile wireless communication network (see figs.1-2, wireless device 30, the wireless communications network support system 38, fig.3, col.7, lines 9-12); translating the indication of the subscriber-desired services into associated provisioning directives (see fig.1, activation 42, fig.3, col.7, lines 13-33); and sending the associated provisioning directives to provisioning elements within the wireless communications network support system to achieve provisioning for the subscriber-desired services (see abstract, fig.1, fig.3, col.7, lines 33-38).

**Regarding claim 2, Lipsit** further discloses wherein the electronic user interface comprises a web browsing user interface (see col.2, lines 48-63).

**Regarding claim 3, Lipsit** further discloses wherein a wireless communication network is supported by the wireless communications network support system (see fig.1, the wireless communications network 34, 36, the wireless communications network support system 38); and the associated provisioning directives are sent to provisioning elements behind the wireless communication network from the perspective of the mobile wireless device (see fig.1, the wireless communications network 34, 36, the wireless communications network support system 38, col.7, lines 9-38).

**Regarding claims 21, 24-26, 29 and 34, Lipsit** discloses a method and system for automatic activation of a wireless device comprising:

means for receiving communications from a wired web whereby a subscriber can select desired services via a web interface (see col.2, lines 48-63); means for receiving wireless communications from the mobile wireless device whereby a subscriber can select desired services via a user interface of the mobile wireless device, wherein the mobile wireless device initially has no non-emergency services provisioned on a mobile wireless communication network (see figs.1-2, wireless device 30, the wireless communications network 34, 36, fig.3, col.7, lines 9-12); and means for translating the desired services into associated provisioning directives, wherein the means for translating is shared by the means for receiving communications from the wired web and the means for receiving communications from the mobile wireless device (see abstract, fig.1, activation 42, col.2, lines 48-63, fig.3, col.7, lines 13-38).

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 6-18, 31-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lipsit (5,956,636).

Regarding claims 5-18, 31-33, the Examiner takes Official notice that these features the communication device is structurally integrated with communication device is notoriously well known in the art in order to improve the use of the mobile devices.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CongVan Tran whose telephone number is 571-272-7871. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Appiah can be reached on 571-272-7904. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/CongVan Tran/  
Primary Examiner, Art Unit 2617